

03/29/2018

JULIA C. DUDLEY, CLERK

BY: s/ F. COLEMAN

DEPUTY CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION**

CARL D. GRAY,

Plaintiff,

v.

CAROLYN COLVIN, Acting Commissioner of
Social Security

Defendant.

CASE NO. 6:16-cv-00009

O R D E R

Judge Norman K. Moon

Previously, I entered an order (“Dismissal Order”) denying Plaintiff’s motion for summary judgment, granting the Commissioner’s motion, and overruling Plaintiff’s objections to a Report and Recommendation by Magistrate Judge Robert S. Ballou. (Dkt. 24). I later *sua sponte* vacated the Dismissal Order and remanded to Judge Ballou for a supplemental report and recommendation (“supplemental R&R”) to consider the Fourth Circuit’s then-recent, “plausibly relevant” decision in *Brown v. Commissioner*, No. 16-1578. (Dkt. 25). After supplemental briefing, Judge Ballou entered his supplemental R&R, reasoning that *Brown*—as a “highly fact-specific” decision that “not change the law”—did not alter the result in this case. (Dkt. 30). Plaintiff timely objected. (Dkt. 31). After undertaking a *de novo* review of those portions of the R&R to which objections were made, 28 U.S.C. § 636(b)(1)(B); *Farmer v. McBride*, 177 F. App’x 327, 330 (4th Cir. 2006), I agree with Judge Ballou’s reasoning and conclusions. Accordingly, Plaintiff’s original and supplemental objections are **OVERRULED**. I hereby **ADOPT** in full Judge Ballou’s original and supplemental R&Rs. (Dkt. 21, 30). The Commissioner’s Motion for Summary Judgment (dkt. 16) is **GRANTED**, Plaintiff’s Motion for

Summary Judgment (dkt. 14) is **DENIED**, and this case is **DISMISSED** from the active docket of the Court.

Entered this 29th day of March, 2018.


NORMAN K. MOON
SENIOR UNITED STATES DISTRICT JUDGE